

Appl. No. 09/751,645
Amdt. dated September 3, 2003
Reply to Office action of June 3, 2003

REMARKS/ARGUMENTS

Claims 1-28 are pending in the application, and claims 2-8, 11-13, 17-24 and 28 are withdrawn from consideration as being drawn to a non-elected invention and species. Claims 1, 9, 10, 14-16, 25-26 and 27 have been rejected under 35 U.S.C. 102(b) as being anticipated by O.F. Kleeb et al, U.S. Patent No. 1,730,938 (hereinafter referred to as "Kleeb"). Applicant has amended claims 1 and 14 to more clearly define Applicant's invention, and Applicant has added claims 32 through 45. No new matter has been added.

Responsive to the rejection of claims 1 and 14 as being anticipated by Kleeb, Applicant submits that Kleeb does not teach every element of Applicant's amended claims 1 and 14, respectively. Amended claims 1 and 14 recite a rotatable member attached to the platform and enabling the rotation of the platform.

Examiner argues that Kleeb teaches platform 1, support plate 31, a saw assembly, balancing apparatus 60, saw blade 22, an oscillating mechanism, pivot support 20 and counterweight 61. The saw taught by Kleeb is restricted to cutting an object at one angle – head on. The saw may be "oscillated in a downwardly and forwardly extending direction towards a bar to be severed" (Kleeb, page 2, lines 3-6) and the "stroke" of the saw may be varied (Kleeb, page 3, lines 17-18), but because platform 1 is non-rotatable, the saw can not be used to cut objects at any angle. On the contrary, and as recited in Applicant's amended claims 1 and 14, platform 14 of Applicant's invention may be rotated. The rotation of platform 10 enables power saw 10 to cut objects at any angle. Described in the second paragraph of the Description of the Present Invention section of Applicant's application for invention, as well as illustrated in Figures 1 and 2, "[m]ovable disk 18 is rotatably mounted with respect to fixed disk 16 so as to permit rotation of platform 14 and thus power saw 10, allowing rail 20 to be cut at any desired angle."

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Responsive to the rejection of claims 15, 16, 25, 26, 27, 29, 30 and 31, because each of these claims either directly or indirectly depend from one of amended claims 1 and 14, and all of the elements of amended claims 1 and 14, respectively, are not taught by Kleebl, Applicant submits that the above claims are not anticipated by Kleebl.

For these reasons, Applicant submits that claims 1, 9, 10, 14-16, 25-26 and 27 are not taught by Kleebl, thereby placing the application in condition for allowance. Claims 32-45 are additional claims which are believed to be allowable. Applicant respectfully requests allowance thereof.

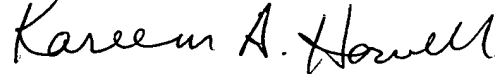
Should any questions concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 237-1184.

In the event that Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby

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conditionally petitions therefore and authorizes that any charges be made to Deposit Account No.
02-0390, BAKER & DANIELS.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: September 3, 2003.

Kareem A. Howell, Reg. No. 53,039

NAME OF REGISTERED REPRESENTATIVE



SIGNATURE